

United States District Court  
District of Massachusetts

_____	)	
United States of America	)	
	)	
v.	)	Criminal Action No.
	)	19-10210-NMG
Vanderlei Rodrigues DeAraujo,	)	
	)	
Defendant.	)	
_____	)	

MEMORANDUM & ORDER

GORTON, J.

At the final pretrial conference on September 23, 2020, the Court took several motions in limine under advisement. After consideration of the parties' submissions and oral argument, the Court rules as follows:

1. The defendant's motion to admit pay stubs and employment records (Docket No. 57) is **DENIED without prejudice**. At the final pretrial conference, the parties agreed that these records are in the name of Sidney Rodrigues Da Silva, and defendant has not proffered sufficient evidence to show that such name is or ever was his alias. Accordingly, the employment records are irrelevant and inadmissible.

2. The government's motion to admit audio/video recordings of alleged firearm and ammunition transactions (Docket No. 58) is **ALLOWED** to the extent that a proper foundation is established that only those statements necessary for context are admitted.

Defense counsel's contention that admitting such evidence is improper because counsel lacks information regarding the recorded conversations is without merit. If counsel chooses to subpoena the confidential informant, he may do so and if his whereabouts are unknown, the government's assistance should be availing.

3. Because defendant has not met his "entry-level burden" of producing sufficient evidence to plausibly support a defense of entrapment, United States v. Rivera-Ruperto, 846 F.3d 417, 428-29 (1st Cir. 2017); United States v. Díaz-Maldonado, 727 F.3d 130, 136 (1st Cir. 2013) (framing the question as whether the defendant proffered "at least enough admissible evidence to allow a reasonable jury to find in his favor"), the government's motion to preclude the defendant from raising such a defense in his opening (Docket No. 60) is **ALLOWED**.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated September 25, 2020